

**WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Ways & Means, Real Estate Transactions & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, 11787, on **October 28, 2003**.

Members Present:

Legislator George Guldi - Chairman
Legislator Andrew Crecca - Vice-Chair
Legislator David Bishop
Legislator Michael Caracciolo
Legislator Ginny Fields
Legislator Vivian Vilora-Fisher
Legislator Peter O'Leary

Also In Attendance:

Tom Donovan - Aide to Legislator Guldi
Bob Clifford - Aide to Legislator Guldi
Linda Burkhardt - Aide to Presiding Officer Postal
Frank Tassone - Aide to Legislator Crecca
Maria Ammirati - Aide to Legislator O'Leary
Virginia Suhr - Aide to Legislator Fisher
Jim Spero - Deputy Director/Budget Review Office
Bill Faulk - Intergovernmental Relations/County Executive's Office
Ken Knappe - County Executive's Budget Office
Robert Cabbie - County Attorney's Office
Christine Costigan - Director/Division of Real Estate/Planning Dept
Marian Zucker - Director of Affordable Housing/Planning Dept
Nancy Marr - Suffolk County League of Women Voters
Mary McLaughlin - Suffolk County League of Women Voters
Robert Kearon - Division Chief/District Attorney's Office
Craig Pavlik - District Attorney's Office
Joseph Sawicki - Suffolk County Comptroller
Elizabeth Tesoriero - Suffolk County Comptroller's Office
Leslie Baffa - Suffolk County Department of Civil Service
Janet Christiesen - Suffolk County Department of Health Services
All Other Interested Parties

Minutes Taken By:

Lucia Braaten - Court Stenographer

Minutes Transcribed By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:50 A.M.*)

CHAIRMAN GULDI:

I think I have to open the meeting with a sigh and then ask for a Pledge of Allegiance to be led by Legislator Bishop.

LEG. BISHOP:

I have to wait for Legislator Crecca.

LEG. CRECCA:

I'm here.

Salutation

CHAIRMAN GULDI:

I only have one card from the public, so I'm going to take it out of order from the presentations and ask Fred Kelly to address us on 1828. Come up and use the microphone, please.

MR. KELLY:

Good morning, Ladies and Gentlemen. Actually, I want to excuse my attire, I came by this morning to find out what time we were meeting tonight and I found out the meeting was at 9:30 today. So I'm here as a result of Resolution 1828. Basically I'm here to assure the committee that I have a buyer for the property, as soon as all of these are -- as soon as the County Executive signs the final registration, within a week or two after that time. I don't know the whole procedure but one of the reasons why this thing has been so long is because the bank essentially said they had paid the taxes and they said they paid the taxes up until May, when they finally stated through their attorney that they didn't pay the taxes and that's why this thing is before you.

CHAIRMAN GULDI:

Okay. Let me ask one quick question. Ms. Costigan, this is 1828 which is a Local Law 16; can you advise us whether or not this is an of right redemption, that it's timely filed. I see you nodding for the record.

DIRECTOR COSTIGAN:

It is, yes.

CHAIRMAN GULDI:

I see you nodding for the record. I'm going to make a motion to take 1828 out of order --

LEG. CARACCILO:
Second.

CHAIRMAN GULDI:
-- and approve it and place it on the consent calendar. I've got a second for all of that, Mike?

LEG. CARACCILO:
Yes.

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CHAIRMAN GULDI:
Further discussion on 1828? All those in favor? Opposed?
Approved (VOTE: 7-0-0-0).

Now, what that means, sir, is we have just -- your application is of right, we have just approved it unanimously and put it on the consent calendar. It would be extraordinary for it to be removed from the consent calendar and it will be on our agenda at the Tuesday regular meeting. There's no reason for you to attend that meeting, your application, in all probability, will be approved.

MR. KELLY:
Thank you very much, Ladies and Gentlemen.

CHAIRMAN GULDI:
Okay. That's right, Dave, you've been to law school and you've never understood what I've said. We have presentations scheduled by the Comptroller who's joined by Mr. Kearon of the District Attorney's Office. And is there a representative of the Police Commissioner here as well for -- why don't you come on up, guys. Take it away.

COMPTROLLER SAWICKI:
Good morning. Good morning, Legislators. How is everyone today?
Good luck on Tuesday to everyone, if we don't have a chance to address that before we leave today.

This past year, our office and the District Attorney, Tom Spota's Office, has been working with and communicating with Maxine Postal to rescind or repeal Local Law 16-1995. I don't know if any of you have heard of any of the specifics of what we've been attempting to do, but basically Local Law 16-1995 sets up six specialized forfeiture funds from the Police, the District Attorney, the Sheriff and Probation, and it mandates an audit of each of those six funds on an annual basis. We've reached the point that for -- since auditing, since 1993 actually on all of these forfeiture funds, that it has been very time consuming and at the same time basically there have been no audit

revelations or findings whatsoever. Some minor ones, some very immaterial ones, and to the point where they have been addressed successfully, and that's just only a reconciliation of the forfeiture funds amounts to the County's IFMIS system.

So therefore, speaking with Ivan Young a couple of weeks ago, he suggested that the DA, myself, those who really feel that this is so time consuming that it drains our audit resources. I mean, I'm sure you've heard of the auditing problems and pressures, the constraints we're under in our department, I believe the District Attorney will speak for the same in terms of his department. We feel that our audit resources can be much better utilized focusing and addressing issues and audits that you ask us to address, you the Legislature, and other issues and other auditees that I as the Comptroller, designated as the Chief auditing authority by the County Charter, where we feel we should concentrate our staffing resources.

So I would ask you -- and I have some facts and figures here which are kind of mind boggling. Just real quick, from 1994 through 2003 our Audit Division has issued 33 audit reports covering these six

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forfeiture funds and special services groups. Thirty-three audit reports translates into forty-two hundred and fourteen -- 4,214 staff days which translates even further into 29,500 staff hours. When you extrapolate the salaries and fringe benefits of the auditors doing this, it's a little over a million dollars, and for zero findings over the past -- over -- you know, since we've been doing it.

So we would just, you know, ask you if we could repeal that Local Law. And I mean, that doesn't mean we'll never audit this again in the future, I mean, the bottom line is that the Legislature can always ask, you know, directors to do the audit, but also, you know, at our discretion; when we see a problem out there we certainly can address it at will.

CHAIRMAN GULDI:

Legislator Fields has a question.

LEG. FIELDS:

Can you just explain what it was that you were auditing?

COMPTROLLER SAWICKI:

I will let Liz, our Executive Director of Auditing, address that directly because she oversaw directly each of these audits.

MS. TESORIERO:

It's the forfeiture funds; forfeiture funds are joint assets, they're

assets that are seized basically as a result of a joint effort between the District Attorney's Office and Federal Task Force, possibly. The County then receives a share of the proceeds from maybe drug busts or that type of activity. That's what forfeiture funds are. And there are also --

LEG. FIELDS:

Just walk me through it. Let's say -- it's just for money, not goods?

MS. TESORIERO:

Well, it may be vehicles.

LEG. FIELDS:

Okay. So let's say --

MS. TESORIERO:

It can be --

LEG. FIELDS:

-- that there's a vehicle that's been confiscated --

MS. TESORIERO:

Seized, right

LEG. FIELDS:

-- or seized, and then it's sold?

MS. TESORIERO:

It can be either be used or sold.

LEG. FIELDS:

I just want you to walk me through it. So you have a vehicle, it's sold, the money goes to this fund?

MS. TESORIERO:

Right.

LEG. FIELDS:

The County gets a percentage?

MS. TESORIERO:

Well, it's not -- the thing is that these funds are basically controlled by the department, the Federal oversight agency. It's not up to the County actually, unfortunately, to say how these funds can be used. The funds basically come from the Department -- U.S. Department of Justice or the U.S. Department of Treasury.

LEG. FIELDS:

What do you mean the funds; what funds?

MS. TESORIERO:

In other words, this is Federal asset seizures, forfeitures. So the County was a party to this, but the oversight --

LEG. FIELDS:

Again, I think I need you to just get more into a layman's terms.

MS. BURKHARDT:

Ginny, can you hold that up, you need to speak into the microphone.

LEG. FIELDS:

Okay. Let's say a vehicle is seized, then just get through that process. We seize and the DA's office or the Police Department seized the vehicle?

MR. KEARON:

Right. A seizure of a vehicle isn't a good example.

LEG. FIELDS:

Well, then give me an example so that --

MR. KEARON:

We have investigators who are assigned to Federal task forces such as the DEA, and there are several law enforcement -- local law enforcement agencies that devote man power to this task force. Let's assume there's a major case that's developed that leads to arrests and the seizure of drugs and money, and sometimes we're seizing as much as \$8 million. What happens then is that every participant on the drug force receives a proportional share, depending upon how many people they have on the task force, and the Justice Department ultimately delivers the money, distributes the money to each of the law enforcement agencies for use for supplemental benefits to the department such as the purchase of equipment that wouldn't normally be purchased.

LEG. FIELDS:

So there's a -- money for drugs that goes to the Justice Department, they cut a check and it goes to let's say the DA and --

MR. KEARON:

And the sheriff and the Police Department, I think Probation also shares --

LEG. FIELDS:

So they get this check, they get a check.

MR. KEARON:

Ultimately, and that could take years.

LEG. FIELDS:

Okay. And then -- so that money goes into a fund.

MR. KEARON:

It goes into a fund, yes.

LEG. FIELDS:

Now, your role.

MS. TESORIERO:

That money is then used; it's supposed to be used for law enforcement purposes.

LEG. FIELDS:

Who decides?

MS. TESORIERO:

The District Attorney's Office will use these funds for law enforcement purposes.

LEG. FIELDS:

Okay.

MS. TESORIERO:

They can also use it to benefit law enforcement purposes of other local towns, villages, police forces, that type of thing. Those are purposes for which the funds can be used. Now we audit the use of the money.

LEG. FIELDS:

And the reason you are auditing it was to make sure we got the money in that we're supposed to get or just the money that we got?

MS. TESORIERO:

The focus was more how the funds were used and the funds reported, yes, that the amount reported was correct.

MR. KEARON:

If I may. We operate the --

LEG. FIELDS:

I don't think that's on.

MR. KEARON:

We operate pursuant to Federal guidelines that are provided by the United States Department of Justice. If we have a question, and there are questions that arise as to the propriety of a particular expenditure, we will contact the Justice Department, one of their attorneys in Washington and get an advisory opinion before we spend the money. And after we spend the money on an annual basis, now Mr. Sawicki's people come in and audit us. And the problem that it causes for us is that you folks have been very helpful to us in giving us investigative auditors to help with our investigations, but for almost three months at a time, they're forced to help and work with Mr. Sawicki's auditors in going over our accounts and it somewhat detracts from the use that we want to put these folks to in terms of doing investigations.

LEG. FIELDS:

The reason I'm asking these kinds of questions I think is that obviously when it was -- it sounds like it came in 1995?

MS. TESORIERO:

Ninety-three.

LEG. FIELDS:

Ninety-three; there must have been a reason for someone to put it together and perhaps it was a check and balance and now we're looking at taking away the check and balance. And I'm trying to find out whether or not that is something necessary or something, you know --

COMPTROLLER SAWICKI:

The history I think dates way back to my predecessor and the former District Attorney, and it probably -- Well, maybe I'll leave that alone right there.

CHAIRMAN GULDI:

Oh, you can leave it alone but I won't, all right?

COMPTROLLER SAWICKI:

Okay, you don't have to.

CHAIRMAN GULDI:

I don't have to but you probably do.

COMPTROLLER SAWICKI:

The checks and balances will certainly still be there, Mrs. Fields, because as every other department and county agency out there that has the auditing access by us as a department, they will still, these funds will still be looked at by us in terms of whether or not we deem them worthy to be audited in any particular year, just as we do with any other agency and department out there. It's the mandatory

requirement that really gives us a hard time because, quite frankly, we don't have the staffing and the auditing resources to give -- you know, to six forfeiture funds every single year.

CHAIRMAN GULDI:

We don't have a bill before us at the present time, we've just had discussions, this is just a conceptual discussion.

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COMPTROLLER SAWICKI:

Right.

CHAIRMAN GULDI:

I think I want to address Legislator Fields' question because I was here in 1993, although I wasn't here when the brouhaha started between the former District Attorney and the former Comptroller. After their criticism publicly of each other and after the former Comptroller was dragged in front of a Grand Jury, it ultimately resulted in a Grand Jury report at no charges. The former Comptroller then decided that the District Attorney's forfeiture funds and use of it needed to be audited and we were off to the races. Here we are a million dollars in General Fund expense later auditing the -- actually more than that if the DA's auditors are spending three months with the Comptroller's auditors, we're probably \$2 million in General Fund expense later to determine that we spent the free money in connection with the Federal guidelines for other supplemental law enforcement purposes to find that we have. I think that it's probably time for us to put it behind us. But the thing I'd like the Comptroller to address is, okay, maybe we don't need the annual mandated audit of these six funds, clearly the ten year history indicates that. What audit and control procedure should be used, should it be treated like all other departments and if it should be, describe what that procedure is.

COMPTROLLER SAWICKI:

All other departments or agencies, or for that matter anybody out there that is a recipient of County monies, can be audited one of two ways; either through the direction of the County Legislature -- and you know probably better than I do how much attention you've been paying to various expenditures of monies over the last several years and, as such, you've adopted resolutions asking us to audit various things which we love to do, we gladly do, but again, it's getting to a manpower crunch problem. And the other -- the second way is that through the discretion of the Comptroller, if we see a problem or if we know of a problem, we go out there and as soon as the resources free up from other audits we will direct our audit resources to go into that area.

I mean, as you know, we have a myriad of audittee problems now on our plate from the Parks Department, we just got through with the real estate audit, for instance, that took well over what, 13 14 months to complete.

MS. TESORIERO:

Yeah, it took a long time.

COMPTROLLER SAWICKI:

And so on and so forth. It just seems when you have such monumental problems out there in areas that we really need to devote our auditing resources and the District Attorney has such criminal -- I don't want to speak for him but he has such criminal issues out there to deal with and investigate, for us to tie up our two staffs looking over each others shoulders, so to speak, for something that, like Legislator Guldi just said, a million dollars later, ten years later really came up with zero, I think it's a better use of our funds and staffing to go elsewhere.

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MR. KEARON:

If I may add, too, in furtherance of the comfort level that we're trying to advance to you. On an annual basis, we have to file written reports with the Federal government, as do all the other agencies with the asset forfeiture funds detailing what we did with the monies. And if they have any problem with what they read, they have indicated that they will come in and do an audit on their own.

CHAIRMAN GULDI:

With respect to those reports, Mr. Kearon.

LEG. BISHOP:

Am I on the list?

CHAIRMAN GULDI:

Yeah, you are; I'm addressing his point, if you don't mind. Those reports, are those reports law enforcement confidential documents or could those reports be shared with Budget Review and the Comptroller's Office on an annual basis without compromising the operations or the law enforcement investigatory operations of the DA's Office and the other forfeiture fund accounting agencies?

MR. KEARON:

I would suggest this. We'd be happy to contact our Federal contacts; if they have no problem with it, we'll disclose it to whomever would like to take a look at it.

CHAIRMAN GULDI:

Okay. Because --

MR. KEARON:

It's their report, that's the only reason --

CHAIRMAN GULDI:

Frankly, if we got disclosure we've got enough issues. Legislator Bishop is next on the list, he has a question.

LEG. BISHOP:

Asset forfeiture funds are derived outside of the appropriation process, right, you seize --

MR. KEARON:

That's correct.

LEG. BISHOP:

And then you spend outside the appropriations process.

MR. KEARON:

That's correct.

LEG. BISHOP:

Right, you don't come to us on how you want to spend it. So that's why I would think the logic was that there was an extra check to balance out the fact that this is an unusual situation where they acquire money outside of the Legislature and they spend money outside of the Legislature. So if we're going to modify that process, you at

least want to make sure that you modify it in a way that provides some level of extra scrutiny so that there is accountability.

MS. TESORIERO:

If I may. Actually, these expenditures do go through appropriations and preapproval in the Department of Audit and Control.

LEG. BISHOP:

Right, but they don't go through policy maker --

MS. TESORIERO:

No, because basically we had gotten an opinion from the County Attorney going back into 1993, and those -- that earlier report that, you know, the very controversial one, the one that started the whole business, we had criticized the use of some funds.

LEG. BISHOP:

This was pinstriping, is that -- why can't we just --

MS. TESORIERO:

Yes, the vehicle.

LEG. BISHOP:

Let's just talk like --

MS. TESORIERO:

All about the Jaguar and all that.

LEG. BISHOP:

Right, the car.

MS. TESORIERO:

But basically we were told -- the County Attorney gave the opinion that really it was up to the oversight department, the Department of Justice, it was not the County's determination of what's law enforcement purposes.

LEG. BISHOP:

Right.

MS. TESORIERO:

It's the Federal regulatory.

LEG. BISHOP:

Right.

MS. TESORIERO:

So if they are obtaining an opinion, we really don't have too much we can say about it. And as far as -- we don't have oversight on it, quite honestly. The County can't just, you know, decide that they want to use these monies to supplant the budget, that's forbidden in the Federal guidelines.

LEG. BISHOP:

Well, we do have oversight, what we don't have is flexibility or we

can't direct how they're spent; I mean, I guess it's to the discretion of the District Attorney

MS. TESORIERO:

And the guidelines that they follow.

LEG. BISHOP:

And within the guidelines, right.

MS. TESORIERO:
Right.

LEG. BISHOP:
I understand. Again, I think it stands to be modified. I don't know if we need to eliminate audits altogether or if we need to come up with something that provides more -- a higher level of openness than normally is applied because we have a unique situation.

COMPTROLLER SAWICKI:
Dave, I don't think we would ever -- for this or any other agency out there that utilizes the County taxpayer dollars, would ever want to avoid an audit, we just want to make this subject like every other agency or department out there.

LEG. BISHOP:
Yeah, you don't want to do constant audits, I understand.

COMPTROLLER SAWICKI:
Exactly, at our discretion. Unless the Legislature can give us another 50 auditors in the Omnibus resolution, then we'd love to do anything and everything you want.

LEG. BISHOP:
I thought that we were heading down what seemed like a reasonable compromise or at least something to explore further where you note that you have to file a lot of documents in regard to spending this money with the Federal Government. And I guess Legislator Guldi was trying to see if those documents can be made available to everybody. And if so, then it would seem to me that that serves the purpose that I'm searching for which is to make it a more open process since it is not an open process now in that it inherently avoids public discussion, you know, it's administrative. So does that help, or am I just talking to myself as usual?

CHAIRMAN GULDI:
Legislator Caracciolo is next.

LEG. CARACCIOLO:
Mr. Sawicki, is this request or these discussions that have been taking place, is it specific to the District Attorney's Office or would it be across the board, Police Department, Sheriff's Department?

COMPTROLLER SAWICKI:
It would be across the board.

LEG. CARACCILOLO:

Okay. And how many agencies in total?

MS. TESORIERO:

Six audits.

COMPTROLLER SAWICKI:

Six audits, six forfeiture funds and/or special services funds?

LEG. CARACCILOLO:

And if you were to quantify the amount of man-hours that are devoted annually to this function, auditing the forfeiture funds of those six agencies, what kind of a number would we be looking at?

MS. TESORIERO:

For all six? You'd probably be talking 600 maybe, staff days, times seven if you want to go into hours.

LEG. CARACCILOLO:

Okay. Does the Budget Review Office, at any time during the course of its business, look at these issues of forfeiture funds and expenditures?

MR. SPERO:

No, we don't.

LEG. CARACCILOLO:

Okay. I would just remind my colleague to my left, Mr. Bishop, that when we speak of forfeiture funds and the use of them, it appears, as Mr. Kearon has enumerated, that each agency has the right to use those funds within the Federal guidelines as it sees fit and it's not the purview of this Legislature to question or criticize the use of those funds; i.e. the marine vehicle that the Sheriff's Department bought recently to service the five east end towns.

LEG. BISHOP:

George?

LEG. CARACCILOLO:

Am I correct in that, Mr. Kearon?

MR. KEARON:

Yeah, we primarily use our monies for equipment and training.

LEG. CARACCILOLO:

And that's what I believe traditionally has been the use not only in your agency but in the other law enforcement agencies as well.

CHAIRMAN GULDI:

Legislator O'Leary is next.

LEG. O'LEARY:

Thank you, Mr. Chairman. Basically, Legislator Caracciolo touched upon some of the issues I wanted to discuss. But I just wanted to point out for informational purposes and perhaps for my colleagues on the committee, Asset Forfeiture Funds that are seized by the various

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law enforcement agencies as a result of investigations, are they not for the most part proceeds of criminal activity?

MR. KEARON:

Yes.

LEG. O'LEARY:

Yes? And as you indicated before, I mean, the Federal government has so many guidelines in place for the expenditure and disbursement of those monies with respect to the local agencies, correct?

MR. KEARON:

That's correct.

LEG. O'LEARY:

So there is a checks and balance that's already in place?

MR. KEARON:

Oh absolutely, yes.

LEG. O'LEARY:

And none of the monies or properties seized as a result of these investigations are from taxpayer dollars, are they?

MR. KEARON:

No.

LEG. O'LEARY:

Okay. Thank you.

CHAIRMAN GULDI:

Legislator Bishop, you wanted -- you had something to add?

LEG. BISHOP:

Yeah, I think that Legislators O'Leary and Caracciolo are making a point which helps me to focus my point, which is that something can be spent within the Federal guidelines but it could have implications on County policy. And so, for example, outside of the District Attorney's Office, the Sheriff; the Sheriff takes forfeiture funds and

purchases a boat which is an entirely new law enforcement operation that, heretofore, the Sheriff never engaged in. Now his overtime expenses and operational expenses rise as a result of that and it has an implication on the County government as a whole.

Leaving aside whether we could stop the Sheriff in such circumstance from spending his forfeiture funds, I would at least want to know about it and that's why I think that some process needs to be in place that is of greater scrutiny than just an audit, an occasional audit that will shed light on how these funds are -- how much is taken in and how they are being spent, even if the County Legislature cannot directly dictate how the funds are to be spent.

CHAIRMAN GULDI:
Legislator Caracciolo again.

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LEG. CARACCILOLO:
Well, I'll be happy to defer to the Chair if the Chair would like to correct the record with regard to Mr. Bishop's statement.

CHAIRMAN GULDI:
You do it, you first.

LEG. CARACCILOLO:
The fact of the matter is, and let's make it absolutely clear, that the Sheriff's Department has certain responsibilities and duties under the County Charter. And as such, when the Sheriff's Department went through an inventory by those responsible for home land security, a whole new State agency, it was determined that they had in their fleet, if you will, a vehicle that could be used for certain types of emergencies, natural disasters and otherwise. It was determined that when a closer examination of that vehicle was taken, that the vehicle could not perform the functions that on paper it appeared it could, and as a result the Sheriff's Department went out and bought the new Marine Emergency Rescue Vehicle which patrols the east end, the Peconic Bay and which assists and is the only law enforcement presence on the bay. And let's remember, the five east end towns do contribute to the General Fund of this County so its operation is covered by that in that fashion.

LEG. BISHOP:
Remember their Police Department objects to their patrol of the bays.

CHAIRMAN GULDI:
That's not true, David. That's also not the issue that's before us, so let's try to deal with this issue at this time and we'll reserve our

disagreements about that issue for some other -- for several future occasions I'm sure.

The point I think that -- the sense of the committee that I'm getting is that, yes, it's -- we may as well be burning a million dollars in the barrel to continue a perpetual audit of a fund that clearly is in compliance with all applicable standards. However, the -- if the agencies could disclose on an annual basis that same report of how they're spending the money to other levels of government, which I think in my recollection is that that was a part of the rub -- when the former Comptroller and the former District Attorney were going at it, this former District Attorney refused to disclose to the former Comptroller how he was spending the money.

COMPTROLLER SAWICKI:
His money.

CHAIRMAN GULDI:
I think that given -- we don't need to be spending millions of dollars out of the General Fund to account for the expenditure of these -- of this free money because of the personality clashes between individuals who are no longer with the government, and that a -- some formalized disclosure mechanism would certainly make it easier for this Legislature to change this law and dispense with that requirement.

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So I look forward to entertaining legislation to that effect once the District Attorney determines whether or not it could share those reports.

MR. KEARON:
I'll pass that information to you, Mr. Guldi?

CHAIRMAN GULDI:
That would be fine.

MR. KEARON:
Okay.

CHAIRMAN GULDI:
Any other questions? Any other comments?

COMPTROLLER SAWICKI:
Thank you very much.

CHAIRMAN GULDI:
Thank you for --

COMPTROLLER SAWICKI:

Thank you for listening.

CHAIRMAN GULDI:

Thank you for coming down.

MR. KEARON:

Just for the record, let me state, Mr. Spota did want to appear today but a close friend passed away a few days ago and he's attending her funeral this morning.

CHAIRMAN GULDI:

Express our condolences.

Okay, I have no other cards and no other scheduled presentations. Let's begin with Tabled Resolutions.

Tabled Resolutions

1226-03 - Adopting Local Law No. 2003, a Charter Law to reform Early Retirement Incentive Program process to ensure real cost savings (Fields). Legislator Fields.

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Motion to table, second by myself. All those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

1231-03 - To implement Space Management Reform (Fields).

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Same motion, same second, same vote. Tabled (VOTE: 7-0-0-0).

1422-03 - Adopting Local Law No. 2003, A Charter Law to reform Charter Revision Commission for good government purposes (Viloria-Fisher). Legislator Fisher is not here.

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:
Yes, she's not here.

LEG. CARACCILOLO:
Mr. Chairman, I can't miss the opportunity to just make a brief comment. I'm looking at all of these reform measures that your candidate for County Executive is in favor of but they're tabled in committee; isn't that a coincidence?

CHAIRMAN GULDI:
Why, you want to approve them all; is that what you're saying, Mike?

LEG. CRECCA:
Right, because you've been saving them for Levy.

LEG. CARACCILOLO:
We're saving them for Levy; we'll see.

CHAIRMAN GULDI:
Actually, I don't think that's the case. I think it's been a question of people waiting and trying to have the support for resolutions of this nature rather than having them approved by committee to have them defeated on the floor.

LEG. CARACCILOLO:
The hypocrisy never ends, it never ends.

CHAIRMAN GULDI:
Since you were the recipient of the shot, yes. Legislator Fields, it's your turn.

LEG. FIELDS:
Well, since you're talking about the first two bills and we're on the third one and the first two I am the author of --

LEG. CARACCILOLO:
Yeah. Make a motion to approve.

LEG. FIELDS:
I've had -- excuse me, may I finish? My first bill did not have the support from many different groups and I tried to change it, and my second one has the same kind of difficulty. So I think that those who are tabling their own motions are doing it out of intelligence, not out of any other reason, Mike.

CHAIRMAN GULDI:

Okay. So Mike, you want to make a motion to table 1422, is that correct?

LEG. CARACCIOLO:
No.

CHAIRMAN GULDI:
No, it's not your motion. There's a motion with respect to 1422 or do we know if Legislator Fisher is still in route? I saw her aide before.

UNKNOWN SPEAKER:
I don't know.

CHAIRMAN GULDI:
We don't know, okay. You were supposed to watch her.

UNKNOWN SPEAKER:
I tried.

LEG. CRECCA:
I'll do a motion to table, how about that?

CHAIRMAN GULDI:
Motion to table by Legislator Crecca, second by myself. All those in favor? Opposed? Tabled. (VOTE: 7-0-0-0).

LEG. CARACCIOLO:
More reform.

CHAIRMAN GULDI:
1477-03 - To reform oversight of Suffolk County Employee Medical Health Plan (EMHP) (Guldi). Motion -- we're still waiting for the Comptroller's audit, the State Comptroller's audit, so I'll make a motion to table.

LEG. O'LEARY:
Second.

CHAIRMAN GULDI:
No sense implementing reform until you have the details, is there, Mike? Second by Legislator O'Leary. Discussion? All those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

All right. Mike, it's your turn. 1485-03 - Implementing Brownfield Policy for Poulos Property in Eastport, Town of Brookhaven (SCTM Nos. 0200-686.00-04.00-019.000; 0200-686.00-04.00-019.001; 0200-686.00-04.00-019.002; 0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000) (Caracciolo).

LEG. CARACCIOLO:

Motion to approve.

LEG. CRECCA:
Second.

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CHAIRMAN GULDI:

Okay, on the motion. Since I believe this property is still in my portion of the Brookhaven District --

LEG. CARACCIOLO:
Not for long.

CHAIRMAN GULDI:
No, it is.

LEG. CARACCIOLO:
No, not under the new district.

CHAIRMAN GULDI:
Yeah, it is, it stays in my district.

LEG. CARACCIOLO:
No.

CHAIRMAN GULDI:
It's South of Montauk Highway.

LEG. CARACCIOLO:
Check that.

LEG. BISHOP:
You guys don't even know where your districts are?

CHAIRMAN GULDI:
Yeah, we do and this isn't in it.

LEG. CARACCIOLO:
I do.

CHAIRMAN GULDI:
In any event, anyway on the bill. Counsel, you want to give us an explanation of the bill?

MR. SABATINO:
Yes, this deals with the property in Eastport that an individual had applied for under a separate resolution for a waiver of interest and penalties based on the old category of a toxic waste site that was

contaminated and would require a clean-up, that's been stalled because of the former County Comptroller's challenge of the underlying Local Law that would deal with that.

This alternative bill, instead of giving the waiver of interest and penalties, calls for the County to begin the process to try to get Brownfields funding from the State to clean-up the site and, if successful, then ultimately the property would become eligible for public auction. So basically it's to get it into the Brownfields Program, get it cleaned up and then try to auction it off.

CHAIRMAN GULDI:

On the motion. The concern I have is that we had -- we have an applicant out there willing to -- ready, willing and able to undertake

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the clean-up costs which, in my opinion, exceeds or equals the value of the parcel and its relative market value. It's six acres of land, it's adjacent to the railroad tracks, south of the railroad tracks in Eastport in what I believe to be still in my district. Mike and I, we could dispute that; wow, we could start a boarder war, that's a great idea.

In any event, I think that the County jumping in to a toxic piece of land when we have the private sector applying and ready, willing and able to pursue and approve the clean-up is not a prudent governmental exercise.

LEG. BISHOP:

May I?

CHAIRMAN GULDI:

We would stand to receive several hundred thousand dollars in tax arrears in principal amount alone in the event that we approve the waiver of interest and penalties. So I strongly, strongly feel that this is not the way to go on this parcel. Real Estate Division has something to say on the parcel as well? And Legislator Bishop wants to be recognized; Legislator Bishop first and then we'll go to the division.

LEG. BISHOP:

I just want to establish some facts and then -- this is a parcel which the County has not taken?

CHAIRMAN GULDI:

That's correct.

LEG. BISHOP:
But it is eligible.

CHAIRMAN GULDI:
It is way past eligible, we haven't taken it for about a decade.

LEG. BISHOP:
Has a phase I been performed on the site, do we have a rough estimate of what the clean-up costs would be?

LEG. CARACCILOLO:
Uh-huh.

LEG. BISHOP:
What are those clean-up costs?

CHAIRMAN GULDI:
Over \$600,000.

LEG. CARACCILOLO:
That's incorrect.

LEG. BISHOP:
And what are the amount of tax arrears?

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LEG. CARACCILOLO:
That's incorrect. That's incorrect.

LEG. BISHOP:
Well, it would be helpful if we had one set of facts.

CHAIRMAN GULDI:
We don't; we can't even agree where it is.

LEG. CARACCILOLO:
But that's really the essence of the issue, Dave, is that the facts have been repeatedly misrepresented.

LEG. BISHOP:
All right. Can you represent your set of facts and then he can represent his set of facts?

LEG. CARACCILOLO:
I'll be happy to, but first I'd like to hear from the Real Estate Division and see if they've been in touch with the Health Department and are aware of the Health Department's initial phase I findings on

the property.

CHAIRMAN GULDI:

Wait till you get the Real Estate Division's set of facts, start there.

LEG. CARACCILOLO:

Well, they should know what's going on, so I want to know if the right hand is talking to the left.

DIRECTOR COSTIGAN:

Our set of facts is considerably less than yours in that we haven't taken the property, it's not under the jurisdiction of the Real Estate Department, whatever Health has done, it has done on its own. Our comments are to the effect of the legislation, not as to the condition of the property.

LEG. CARACCILOLO:

Okay.

LEG. BISHOP:

Well, what are your comments?

DIRECTOR COSTIGAN:

I know that the resolution, in the RESOLVED it directs that we shall perform a preliminary site investigation; that investigation alone would require drilling, it would require soil testing on six acres, that could run anywhere from 50 to \$200,000, which we have no money for. So even if you direct me to do it, I will come back here and say, "Give me some money," and we'll do it, but we have no budget for it.

Secondly, the resolution directs that we exercise our right to take the title subject to receipt of approval from the State; I'm not even sure what that means. Does it mean we should wait for them to first

give us the Brownfield money, or does it mean we should take it and if they don't give us the Brownfield money we should be and here for the Certificate of Abandonment? I'm not sure what the actual verbiage means.

LEG. BISHOP:

Yeah, I don't think this --

DIRECTOR COSTIGAN:

And thirdly, to our understanding, there is no money in the Brownfield Program in the State, so this is a {pyric} exercise.

LEG. BISHOP:

Well, isn't there money in the Bond Act?

DIRECTOR COSTIGAN:

No. It is not available for Brownfields. Whatever -- and there isn't much there. It's committed, unspent but committed. For instance, on East End Avenue we haven't been able to get any money, and we have no expectation of that money being available for this project.

LEG. BISHOP:

I don't know if it's my turn, I'll go on the list if it's not.

CHAIRMAN GULDI:

Go ahead.

LEG. BISHOP:

This is an area I've legislated in and we established a Brownfields Policy and I'm just going to say it directly, that this County Executive ignored the policy that the Legislature directed them to follow.

Legislator Caracciolo's resolution is in line with that policy in that the thought of it or that the idea behind it was that when these parcels lie there and nobody, not even the government which can take it for back taxes, assumes ownership and we walk away from it; well, what happens? Whatever contamination is underneath it continues to leach towards wherever its destination is, usually the sea, the groundwater becomes contaminated, we do not collect taxes on it and it becomes an eyesore for the community. So nothing positive is happening by ignoring it except that you have presumably a short-term -- you avoid a short-term fiscal expense, which is to clean-up the Brownfield. So my, and the Legislature agreed, policy prescription is that we should aggressively move on Brownfields, we should assume ownership, do the investigations, and clean them up.

Now, when you have a private entity that's willing to do it, then we should work with the private entity on that and that's what we did in the Brownfield in Lindenhurst where we have a private party that is going through the State process, which is akin to going through a torture chamber because there's been five years of applications and modifications and they still can't get final approval to clean it up, but at least something is happening in that location.

Moreover, I just want to note that when you do a Phase I, and I guess

we went on to the property and did a phase I, you could be tagged with the liability as an owner; if you act as an owner under the Brownfields litigation, you are the owner. And you certainly can't take something on a condition, you can't say, "Oh, we're going to take this property," oops, you know, the State's not going to pay for it, let's abandon it; that's not going to work either. So Brownfields Policy is a quagmire, but I think that the best policy is to act aggressively towards it and address it because over the long run, that's what's going to be more fiscally prudent.

CHAIRMAN GULDI:
If I may.

LEG. BISHOP:
That's why I need more facts.

CHAIRMAN GULDI:
All right. And the facts that I'm aware of is that the private sector contract vendee, who has performed some acts of clean-up on the property as a contract vendee, has an approved clean-up plan from the DEC, has a contract with the former -- with the current owner --

LEG. BISHOP:
Who's nobody?

CHAIRMAN GULDI:
-- who's in default on his taxes and subject to forfeiture of the property to the County. Their plan for the reutilization of the property has been reviewed by the Suffolk County Planning Commission and highly recommended in an unusual sense they recommended that the particular housing category for the proposed site is so severe that the Town of Brookhaven consider greater density than the applicant was seeking, which is something unprecedented from the Planning Commission. And the problem in moving forward with the project, the remediation and the clean-up is us, and our -- and our --

LEG. BISHOP:
How do we stand in the way?

CHAIRMAN GULDI:
Well, part of the problem, one of the problems that's existed is the property has been merged, reemerged and merged so that the tax history is less than clear. And the legislation that was originally proposed didn't add up, you know, in a sense, and the substantial title work and bill reconciliation that still needs to be done, that the applicant -- that I've suggested to the applicant that he has to do, that's not yet been forthcoming in order for us to resubmit and accurately deal with the tax issue.

LEG. BISHOP:

The vendor, the seller, they're not in bankruptcy.

CHAIRMAN GULDI:

They're not in bankruptcy, although there are a number of judgments

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and liens against the property that this proposed purchaser is resolving on an assignment basis.

LEG. BISHOP:

So if they are not in bankruptcy and there is significant contamination, they are responsible for it.

CHAIRMAN GULDI:

Right and we could get a judgment against -- Brookhaven Town already has a judgment against them, part of the taxes and the arrears is part of Brookhaven's clean-up of the parcel.

LEG. BISHOP:

But this isn't a Brownfield then, in one sense; I mean, it's a contaminated site but it's not an orphan.

CHAIRMAN GULDI:

Not quite, but it's nearly an orphan.

LEG. BISHOP:

It's parent is on life support I guess.

CHAIRMAN GULDI:

It's an orphan in extremist shall we say. It's far from clear and I feel that this effort to take the parcel is wrong headed and ill-advised. And I'll make a motion to table this, because I don't think we're going to resolve it and reach a consensus today.

LEG. BISHOP:

I'm baffled by the whole thing.

LEG. CARACCILOLO:

Well, I think we'd have a 3-3 vote if we had a vote today, so I'll go along with the motion to table. But in accordance with -- I'll distribute this memo so that Mr. Bishop, Dave, you and everyone on the committee can have some facts. Because the Health Department's been on this site, there is only one portion, very small portion of this property that has some contamination, it does not appear to be major, it would not approach the \$600,000 cost that Mr. Guldi has referenced time and time again when this issue came up. And let's remember, there was a predecessor to this resolution by Mr. Towle which I found very interesting that Mr. Towle was sponsoring a bill in Mr. Guldi's

district, something that's really out of the norm here.

CHAIRMAN GULDI:

Now you are.

LEG. CARACCIOLO:

But now I am because I want to do it right, George, you're darn right, you're darn tootin. Okay? Because I'm not inclined to give taxpayers resources to private developers without them paying for it. So I'll support the motion to table today.

LEG. BISHOP:

Why don't we bring in the Health Department --

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LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

-- and whoever can answer some of the title questions.

CHAIRMAN GULDI:

Actually, yeah.

LEG. BISHOP:

Is that Penny LaValle?

CHAIRMAN GULDI:

It's a good idea, why don't we bring everybody in on the issue all at the same time, that's a good idea. We'll do that at a future time. On the motion to table, all those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

LEG. CRECCA:

Opposed. All right, never mind, leave me in favor.

CHAIRMAN GULDI:

Okay. 1608-03 - Authorizing conveyance of parcel to Town of Babylon for transfer to NU-OP Association Corp., Inc. (Section 72-h, General Municipal Law) (Postal). We tabled this for amendment, Counsel?

MR. SABATINO:

No, actually, we -- we tabled it at the request of the Presiding Officer, plus at that particular juncture there was not a town board resolution. I don't know if it's materialized in the intervening period of time, I don't see it here but it may have been filed with the Clerk and I'm not aware of it.

(*Legislator Viloría-Fisher entered the meeting at 10:00 A.M.*)

DIRECTOR COSTIGAN:
We haven't seen it.

CHAIRMAN GULDI:
Let's table it. I mean, if we don't have the resolution no one knows about it. Motion to table by myself, second by Legislator Bishop. Discussion? All those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

Introductory Resolutions: Real Estate

CHAIRMAN GULDI:
Moving up to the Real Estate resolutions, 1792 --

LEG. VILORIA-FISHER:
Excuse me, Mr. Chair?

CHAIRMAN GULDI:
Oh.

LEG. VILORIA-FISHER:
I just wanted to let you know that I'm here.

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CHAIRMAN GULDI:
Would you like to join the majority in tabling the last six resolutions?

LEG. VILORIA-FISHER:
Yes. Thank you.

CHAIRMAN GULDI:
1792-03 - Authorizing the sale of County-owned real estate pursuant to 215, New York State County Law, to Jeannette Bowman (0100-192.00-02.00-019.000) (Bishop).

LEG. BISHOP:
Is this my district? It sounds familiar; Bowman.

DIRECTOR COSTIGAN:
Yes.

MR. SABATINO:
Yes, Mr. Chairman, this was --

CHAIRMAN GULDI:
You would be the sponsor.

LEG. BISHOP:

Well, my staff is really the sponsor, they're the ones that did the work on it.

CHAIRMAN GULDI:

Are they -- oh, never mind.

LEG. BISHOP:

We did everything properly, right, Paul?

CHAIRMAN GULDI:

Yes.

MR. SABATINO:

This one complies with Chapter 27.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar. Real Estate Division, on the motion?

DIRECTOR COSTIGAN:

We just have a technical correction. There's a typo in the date of the tax deed in the first paragraph, it reflects that it was acquired by tax deed on June 12th, 2001; in fact, it was acquired by tax deed on July 12th, 2001.

CHAIRMAN GULDI:

Have the record reflect that as a scrivener's error. Motion to approve and place on the consent calendar by Legislator Bishop, second by -- I heard someone, Legislator O'Leary. All those in favor? Opposed? 1792 is on the consent calendar (VOTE: 7-0-0-0).

1807-03 - Authorizing the sale of County-owned real estate pursuant to Section 72 -h of the General Municipal Law to the Incorporated Village of Greenport, Town of Southold, for affordable housing purposes (County Executive). Legislator Caracciolo.

LEG. CARACCILOLO:

Motion to approve.

CHAIRMAN GULDI:

Motion to -- it's an affordable housing resolution. Shall we put it on the consent calendar?

LEG. CARACCILOLO:

Yeah.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Caracciolo, second by myself. Discussion? All those in favor? Opposed? Approved and on the consent calendar (VOTE: 7-0-0-0).

1807-03 - Authorizing the sale of County-owned real estate pursuant to Section 72 -h of the General Municipal Law to the Town of Babylon for affordable housing purposes (County Executive). Legislator Bishop, motion to approve and place on the consent calendar?

LEG. BISHOP:

Yes. Yes, please.

CHAIRMAN GULDI:

Second by Legislator O'Leary. Discussion? All those in favor? Opposed? You're doing great. Approved (VOTE: 7-0-0-0).

1822-02 - To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #175 (County Executive).

MR. SABATINO:

That was pursuant to a special enabling State legislation for the Urban League of Long Island, so it's actually pursuant to a State special bill.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator -- by myself. Second by? Legislator Crecca. Discussion? All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1824 -- no, wait a minute.

LEG. O'LEARY:

Twenty-three.

CHAIRMAN GULDI:

1823-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Joseph A. Edrehi Jr., & Theresa A. Edrehi, his wife (0500-083.00-02.00-007.000) (County Executive).

DIRECTOR COSTIGAN:

This is a 50 X 218 foot parcel in Ronkonkoma that was appraised at \$11,000, they bid \$11,001; they were one of three possible bidders, the other two did not bid.

CHAIRMAN GULDI:

Okay. Motion to approve and place on the consent calendar by myself.

LEG. O'LEARY:

Second.

CHAIRMAN GULDI:

Second by Legislator O'Leary. All those in favor? Opposed?

Approved and placed on the consent calendar (VOTE: 7-0-0-0).

The next four are redemptions all under Local Law 16. They are all of right, according to the Real Estate Division?

DIRECTOR COSTIGAN:

They are, some are by the owners, some are by the mortgagees.

CHAIRMAN GULDI:

And they're all timely and we've received all appropriate paperwork and payments?

DIRECTOR COSTIGAN:

Except for those which are going to be paid on closing, they depend on a sale.

CHAIRMAN GULDI:

Okay. I'm going to take them together, I'll make a motion to approve and place on the consent calendar 1824, 1825, 1826 and 1827.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Viloria-Fisher. Discussion? All those in favor? Opposed?

1824-03 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Anthony A. Arcuri (0100-159.00-04.00-022.000) (County Executive). Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1825-03 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, John G. Murray as Administrator of the Estate of Edgar McAlpin as to a 1/2 undivided interest and AAKQYL Holding Corp., as to a 1/2 undivided interest (0100-202.00-02.00-107.000) (County Executive). Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1826-03 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act,

Center Moriches Development, Inc. (0200-790.00-02.00-002.000) (County Executive).

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Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1827-03 - Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Harold E. Schwab & Lynne Schwab (0200-975.50-03.00-045.000) (County Executive).

Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1828 we did previously.

1829-03 - Authorizing the sale, pursuant to Local Law 13-1976, John Casterline and Jane Casterline, his wife (0200-973.90-03.00-027.000) (County Executive).

DIRECTOR COSTIGAN:

This is a 50 X 100 foot parcel that was appraised at \$1,600, they bid \$1,700. They were one of really two possible bidders, the County being the third adjacent owner, the property is in Wading River.

LEG. CARACCILOLO:

Whereabouts?

CHAIRMAN GULDI:

You want to see a map, Mike?

LEG. VILORIA-FISHER:

Cliff Road.

DIRECTOR COSTIGAN:

Excuse me, North Bellport, their mailing address is in Wading River. Bellport Avenue, it's just off Bellport Avenue.

CHAIRMAN GULDI:

Okay.

LEG. O'LEARY:

Motion.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator O'Leary, second by myself. Discussion? All those in favor? Opposed? Approved and on the consent calendar (VOTE: 7-0-0-0).

1830-03 - Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the

interest of the County of Suffolk in property designated as Town of Brookhaven Suffolk County Tax Map No. 0200-721.00-06.00-002.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).

LEG. VILORIA-FISHER:
Where is it in Brookhaven?

DIRECTOR COSTIGAN:
Mr. Chairman, we're going to ask that this be tabled, I need to review the underlying documents. There's -- it's very complicated.

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LEG. CARACCILO:
Motion to table.

MR. SABATINO:
I agree, I had a problem with it when I looked at it.

DIRECTOR COSTIGAN:
Yeah. When I looked at it again last night, I said I needed more time.

MR. SABATINO:
It didn't look right to me.

CHAIRMAN GULDI:
Motion to table by Legislator Caracciolo, second by myself. All those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

CHAIRMAN GULDI:
1831-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Suffolk County Water Authority (0800-167.00-04.00-048.005) (County Executive).

DIRECTOR COSTIGAN:
Yes, there are two pieces here --

CHAIRMAN GULDI:
I hope they bid high.

DIRECTOR COSTIGAN:
-- for the Water Authority, they bid the amount of the appraisals. These are slivers that surround a Water Authority piece, we're trying to clean-up. We own a large piece and the Water Authority owns a piece within our piece, so we're trying to straighten up so that we can sell part of it in public auction and tidy up the title in regard to these slivers.

CHAIRMAN GULDI:

I'm looking at the tax map on this one, we're selling the sliver --

DIRECTOR COSTIGAN:

In the front on Townline Road. The next one is the sliver in the back.

CHAIRMAN GULDI:

Right, okay. And how does that tidy up --

DIRECTOR COSTIGAN:

Well, it leaves us with the rectangle on the right and you see the --

CHAIRMAN GULDI:

Lot 148.7?

DIRECTOR COSTIGAN:

Yes, 48.7, and on the left, number 20, lot 20, we also own that --

CHAIRMAN GULDI:

I see.

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DIRECTOR COSTIGAN:

-- and we'll be selling that.

CHAIRMAN GULDI:

And those are in the town of?

LEG. VILORIA-FISHER:

Smithtown.

MR. SABATINO:

Smithtown, Nesconset.

CHAIRMAN GULDI:

Smithtown, it's in Nesconset. Okay. All right. 1831, motion -- motion to approve and place on the consent calendar by myself.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Vilorio-Fisher. Discussion? All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1832-03 - Sale of County-owned real estate pursuant to Local Law

13-1976, Suffolk County Water Authority

(0800-167.00-04.00-048.005) (County Executive). Same motion, same second, same vote. Approved and placed on the consent calendar

(VOTE: 7-0-0-0).

LEG. VILORIA-FISHER:
Easy.

CHAIRMAN GULDI:
1833-03 - Sale of County-owned real estate pursuant to Local Law
13-1976, Stephanie Williams (0100-105.00-03.00-071.002) (County
Executive).

DIRECTOR COSTIGAN:
This 25 X 120 foot parcel was appraised at \$3,000 which was the amount
bid by Ms. Williams. There were two other potential bidders.

CHAIRMAN GULDI:
And they did not bid.

DIRECTOR COSTIGAN:
And they did not bid.

CHAIRMAN GULDI:
Legislator Bishop, Babylon; motion to approve and place on the consent
calendar?

LEG. BISHOP:
Please.

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CHAIRMAN GULDI:
Second by Mr. O'Leary. All those in favor? Opposed?
Approved and placed on the consent calendar (VOTE: 7-0-0-0).

1834-03 - Sale of County-owned real estate pursuant to Local Law
13-1976, Long Island Railroad (0200-853.00-06.00 P/OO 022.000)
(County Executive).

DIRECTOR COSTIGAN:
This is -- you've seen this before, actually. And I hope you never
see one like it again.

CHAIRMAN GULDI:
One dollar? Now, wait a minute.

DIRECTOR COSTIGAN:
No, no, it was appraised for nothing so they out bid the appraisal.

CHAIRMAN GULDI:
Oh, come on.

DIRECTOR COSTIGAN:

This is a very unusual situation. We acquired an entity called The Sugar Shack. The Sugar Shack was built on Long Island Railroad property, but it had a separate tax map number even though it was a structure.

LEG. BISHOP:

Where is it?

CHAIRMAN GULDI:

Where?

LEG. O'LEARY:

It's in my district, I think it's in Mastic.

LEG. VILORIA-FISHER:

Mastic.

LEG. O'LEARY:

It's in my district.

CHAIRMAN GULDI:

Hold oh. So we -- hold on. We ended up with title to a building that's on land that doesn't -- isn't owned by the -- it's owned by the Long Island Railroad.

DIRECTOR COSTIGAN:

You have it. And the building was a den of inequity or something and we tore it down.

CHAIRMAN GULDI:

All right, so we don't have the building anymore.

DIRECTOR COSTIGAN:

No, we don't have the building anymore.

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CHAIRMAN GULDI:

But we didn't have a footprint, or do we?

DIRECTOR COSTIGAN:

We had a tax map that floated over the Long Island Railroad property.

LEG. BISHOP:

(Inaudible).

CHAIRMAN GULDI:

It's a double mapping situation.

DIRECTOR COSTIGAN:

Essentially it is.

CHAIRMAN GULDI:

You come out east, you've got those all over the place.

DIRECTOR COSTIGAN:

So now we have the Mastic Fire Department wanting to rent the property on which The Sugar Shack had been located, but in order to do that, it came up with a title report, the title report showed this tax map number in the name of the County. We tried to sell it to them, we tried to do a lot of things, this is the only way we can get title of our imaginary tax map, transfer it to the railroad so that they can then transfer the property long-term to the fire department.

LEG. O'LEARY:

Motion.

DIRECTOR COSTIGAN:

This has taken about 100 hours of work.

CHAIRMAN GULDI:

Yeah, but is it a motion to approve or a motion to approve and place on the consent calendar?

LEG. BISHOP:

No, we want them to explain it again.

LEG. O'LEARY:

Place it on the consent calendar majority approval.

CHAIRMAN GULDI:

I've got a motion. Do I have a second? Second by -- a second and a third. I have a second by Legislator Bishop because I heard him first. All those in favor? Opposed? So much for The Sugar Shack, the Pete O'Leary Memorial imaginary Sugar Shack.

DIRECTOR COSTIGAN:

One more den of inequity up in smoke.

CHAIRMAN GULDI:

Oh, well, it happens.

\$5,000,000 budget notes of the County of Suffolk, New York, to pay additional costs of the Suffolk County Pay-As-You-Go Capital Project Financing Program for which insufficient provision was made in the annual budget of said County for the current fiscal year (Caracappa). Well, I'm going to make a motion to approve.

LEG. VILORIA-FISHER:
I'm going to second it.

LEG. BISHOP:
It seems very dramatic.

CHAIRMAN GULDI:
Yeah, I know. Essentially it's authorizing \$5 million in rolling notes for pay-as-you-go purposes for this year.

LEG. BISHOP:
Right. Is this --

LEG. VILORIA-FISHER:
And he did that to address those issues that we were tabling, because --

LEG. BISHOP:
Didn't we have this at another committee, Paul?

MR. SABATINO:
There's two components; this is the budget note and then you have to appropriate the money with a subsequent, separate resolution. It tracks what we did on the health plan, you have a budget note and an appropriation.

LEG. BISHOP:
Right.

MR. SABATINO:
This was the missing resolution from yesterday, we couldn't find 1789.

LEG. BISHOP:
Right, okay. Motion to approve.

CHAIRMAN GULDI:
Motion to approve. Discussion? There's a motion and a second already before us.

LEG. BISHOP:
Oh, okay.

CHAIRMAN GULDI:
Further discussion? All those in favor? Opposed?

Approved (VOTE: 7-0-0-0).

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Introductory Resolutions: Other

Now we're into other. 1787-03 - Authorizing certain technical corrections to Adopted Resolution No. 570-2003 (County Executive).

MR. SABATINO:
Corrected Capital Project No. 3.10 instead of 3.11.

CHAIRMAN GULDI:
Motion to approve and place on the consent calendar by myself. Second by?

LEG. VILORIA-FISHER:
Second.

CHAIRMAN GULDI:
Legislator Vilorio-Fisher. All those in favor? Opposed?
Approved and placed on the consent calendar (VOTE: 7-0-0-0).

Resolution 1801-03 - Adopting Local Law No. 2003, a Charter Law creating Taxpayer's Office of Inspector General (Caracciolo).

MR. SABATINO:
Public hearing, Mr. Chairman.

CHAIRMAN GULDI:
Motion to table for a public hearing by myself, second by Legislator Bishop. All those in favor? Opposed? Tabled (VOTE: 7-0-0-0).

1805-03 - Adopting Local Law No. 2003, to modify restriction on purchase of sports utility vehicles (SUV) by Suffolk County (Binder).

MR. SABATINO:
The same thing for 05 and 36, public hearings.

CHAIRMAN GULDI:
Motion to table 1805 and 36 for public hearings.

LEG. VILORIA-FISHER:
Second.

CHAIRMAN GULDI:
Second by Legislator Vilorio-Fisher. All those in favor? Opposed?
Tabled (VOTE: 7-0-0-0).

LEG. BISHOP:

I ask Counsel to give a two sentence description of the modification in 1805 to the current policy?

MR. SABATINO:

1805 is going to add the Sheriff's Department to the exemption, it's going to clarify that the Police exemption is limited to the Police Department -- the Suffolk County Police Department, and the third change is going to be that the authority to purchase SUV's is broadened from just the State contract to any State or County contract, whichever is less expensive.

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LEG. BISHOP:

Thank you.

CHAIRMAN GULDI:

Okay. Tabled (VOTE: 7-0-0-0).

1839-03 - Authorizing transfer of surplus County computers to various churches (Postal).

LEG. BISHOP:

(Inaudible).

CHAIRMAN GULDI:

Actually what it probably does is saves us the \$25 disposal charge for each of the monitors.

LEG. VILORIA-FISHER:

Motion to approve.

CHAIRMAN GULDI:

They have 36 computers, 12 each to three separate churches. Motion to approve by Legislator Viloría-Fisher, second by myself. All those in favor? Opposed?

LEG. BISHOP:

Does it violate our policy? Didn't Legislator Carpenter pass a bill two months ago?

LEG. VILORIA-FISHER:

We haven't passed it yet, have we?

LEG. BISHOP:

I just want to make sure that we're not speaking with (inaudible).

LEG. CARACCILOLO:

Oh, that would be a first around here.

MR. SABATINO:

Legislator Bishop is correct, that bill was adopted in the middle of the summer, that bill says that we should --

CHAIRMAN GULDI:

Auction it.

MR. SABATINO:

-- maximize the dollar value by going to auction.

CHAIRMAN GULDI:

But that bill doesn't strip us of our authority to do this with these 36 computers.

MR. SABATINO:

No, it doesn't but it's conceptually --

LEG. VILORIA-FISHER:

Linda has a question.

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CHAIRMAN GULDI:

Linda is jumping up and down and waving her hand.

MS. BURKHARDT:

I don't have a question but I believe these are computers from Suffolk County Community College.

CHAIRMAN GULDI:

Yes.

MS. BURKHARDT:

And the only reason they say County is because that's the proforma portion of the resolution, it has to say County, but they're actually from the community college.

CHAIRMAN GULDI:

Right, which computers we are paying to have disposed of otherwise.

LEG. BISHOP:

But my point is that I opposed the Carpenter legislation which said that, you know, all surplus property maximized for just this reason. It sounds better than the reality and the reality is that often times we can achieve greater public policy purposes by transferring the surplus property, property that's been deemed surplus by a department to nonprofit entities.

LEG. FIELDS:

Or they throw them away.

CHAIRMAN GULDI:

This one is even a step further than that because there is a cost --

LEG. BISHOP:

But everybody wants to legislate the Dave Willmont's --

CHAIRMAN GULDI:

There is a cost savings in not throwing them away. This costs us money to dispose of them.

LEG. VILORIA-FISHER:

Right.

CHAIRMAN GULDI:

It costs us money to not give these away, so this one is even a further step absurd. In any event, we have a motion to approve and place on the consent calendar, but I'm going suggest that we put it on the general calendar.

LEG. VILORIA-FISHER:

Yeah, it wasn't on the consent calendar.

CHAIRMAN GULDI:

Okay. Motion to approve -- oh, wait a minute, I've got the wrong resolution. 1839 is on the consent calendar. Motion to approve and second before us. All those in favor? Opposed?

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LEG. CARACCILOLO:

Opposed.

LEG. CRECCA:

Opposed.

CHAIRMAN GULDI:

Approved (VOTE: 5-2-0-0 Opposed: Legislators Caracciolo & Crecca).
What are you guys, afraid she's going to hurt you?

LEG. VILORIA-FISHER:

1840 is the same basic issue.

CHAIRMAN GULDI:

1840 is the one we just did.

LEG. VILORIA-FISHER:

I thought we just did 1839, that was the churches.

CHAIRMAN GULDI:

Oh no, you're right, 1839 is what we just did.

1840-03 - Authorizing the transfer of surplus County computer to Wyandanch School District (Postal). Same motion, same discussion, same second, same vote. Approved (VOTE: 5-2-0-0 Opposed: Legislators Caracciolo & Crecca).

Tabled Sense Resolutions

Okay? Sense 58-2003 - Memorializing Resolution requesting the State of New York to create Suffolk County Government Facilities Agency (GFA) (Guldi). Motion to table Sense 58 by myself. Second by?

LEG. O'LEARY:

Second.

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed?

Tabled (VOTE: 7-0-0-0).

We have no further business before this committee except for Mr. Gable is having a going out of business sale, I understand we're having, what, five or six?

MR. CABBLE:

Four.

CHAIRMAN GULDI:

Four; we have four litigation settlements to consider. Motion to adjourn to -- to recess to executive session to consider litigation settlements, approving the presence of Counsel, Budget Review, Insurance & Risk Management and the County Attorney's Office. And we will --

LEG. VILORIA-FISHER:

Legislative Aides, can they stay?

CHAIRMAN GULDI:

Yes, Legislative Aides, the staff can stay. And we will reconvene solely for the purposes of adjournment, my aide will give the

stenographer the time at which that occurs. All those in favor?
Opposed? Turn off the microphones.

LEG. VILORIA-FISHER:

I was going to say, it was the shortest Ways and Means committee I had ever attended.

CHAIRMAN GULDI:

That's because you got here late. All those in favor? Opposed?
We are in exec session, turn of the mikes.

(*The meeting was moved into executive session at 10:51 A.M.*)

Legislator George Guldi, Chairman
Ways & Means, Real Estate Transactions
& Finance Committee

{ } - Denotes Spelled Phonetically